

No. 1108-4Lab-73/3840.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Ameteeep Machine Tools (P) Ltd., 14/7, Mathura Road, Faridabad:—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 142 of 1972

between

SHRI MULKH RAJ AND THE MANAGEMENT OF M/S AMETEEEP MACHINE TOOLS (P) LTD., 14/7, MATHURA ROAD, FARIDABAD

Present—

Shri B. S. Batra for the management.

Nemo for the workman.

#### AWARD

The following dispute between the management of M/s Ameteeep Machine Tools (P) Ltd., 14/7, Mathura Road, Faridabad and its workman Shri Mulkh Raj was referred for adjudication to this court by order No. ID/FD/32-E-71/11947-51, dated 10th April, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Mulkh Raj was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties. The management contested the claim of Shri Mulkh Raj on the main plea that he had himself abandoned the job and thus losing his lien and it was not a case of termination of his services by the management. Shri Mulkh Raj controverted the above plea in his replication and urged that his services had been terminated by the management without assigning any reason and without giving him any charge-sheet what to speak of holding any inquiry. The following 2 issues arose for determination:—

1. Whether Shri Mulkh Raj concerned workman had lost his lien on the job held by him as alleged by the management? If so, with what effect?
2. In case issue No. 1 is not proved, whether the termination of services of Shri Mulkh Raj was justified and in order? If not, to what relief is he entitled?

The management examined 2 witnesses including Shri Babu Ram Sharma, Time-keeper, M.W. 1 and Shri B. S. Sapra, Personnel Officer, M.W. 2 and placed reliance upon 2 letters Ex. M. 1, dated 11th December, 1970 and Ex. M. 2, dated 29th December, 1970 which were sent to Shri Mulkh Raj, Ex. M. 2 under registered cover,—vide postal receipt Ex. M. 3, a copy of the certified Standing Orders of the Company Ex. M. 4 was also placed on record.

After the production of above evidence on behalf of the management, the case was adjourned for the evidence of the workman. He, however, elected not to appear in person or through authorised representative on the date fixed for his evidence i.e., 19th January, 1973. The authorised representative of the management has, therefore, been heard and I have given a careful consideration to the facts on record.

As already observed, the plea of the management is that this workman had, in fact, absented himself from duty and it was a case of automatic termination of his services. In view of the specific denial by the workman the burden was of course on the management to establish this fact and after a careful scrutiny of the evidence on record I am satisfied that the plea has been fully sustained by oral as well as documentary evidence. From the statement of Shri Babu Ram Sharma, Time-keeper, M.W. 1, read with the statement of Shri B. S. Sapra, Personnel Officer, M.W. 2, it would be clear that the workmen in this factory had gone on strike on 27th August, 1970 and after the strike had been called off on 21st November, 1970 Shri Mulkh Raj had attended his duty for 2 days but he had again absented from duty without any proper authorisation. The management waited for him till 31st December, 1970 and in the meantime 2 letters were addressed to him one dated 11th December, 1970 and the other dated 29th December, 1970 under registered cover,—vide postal receipt Ex. M. 3, but there was no response from Shri Mulkh Raj. His name had, therefore, to be struck off the rolls, as per clause 6(iv) of the Certified Standing Orders, Copy Ex. M. 4 on record. The relevant sub-clause of the Standing Order reads as under:—

“If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall be liable to lose his lien on the appointment he holds unless (i) he reports for duty within 8 days of the expiry of the leave and (ii) gives an explanation

to the satisfaction of the factory manager of his inability to return to work on the expiry of leave granted or extended as the case may be. Till such time the explanation of the worker has been accepted he will be treated as absent on leave without pay, such explanation shall be decided within a day of its receipt."

From the facts of the case as stated above, I am quite clear in my mind that Shri Mulkh Raj workman concerned has lost his lien on the job by remaining absent from duty for more than 8 days without any proper authorisation and his services consequently stood terminated automatically as intimated to him,—*vide* letter dated 29th December, 1970 Ex. M. 2.

For the reasons aforesaid, issue No. 1 is decided in favour of the management and against the workman and it is held that Shri Mulkh Raj concerned workman having abandoned service of his own accord by remaining absent from duty for more than 8 days without any proper authorisation, he had lost the lien on the job as per clause 6 (iv) of the Certified Standing Orders of the Company by which he was governed and that being so, it is a case of the automatic termination of his services by his own conduct and not by any order of the management.

In view of my above finding on issue No. 1, the issue No. 2 does not arise for determination and the workman having himself abandoned his services resulting into the loss of lien on the post held by him, he is not entitled to any relief by way of reinstatement or back wages. The award is made accordingly. No order as to costs.

O. P. SHARMA,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated 22nd January, 1973.

No. 231, dated 26th January, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1107-4Lab-73/3842.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Tempo Engineering Works, Gurgaon :—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 27 of 1970

*between*

SHRI PREHLAD SINGH AND THE MANAGEMENT OF M/S TEMPO ENGINEERING WORKS,  
GURGAON

*Present—*

Shri Shardha Nand for the workman.

Shri D. C. Chadha for the management.

AWARD

By order No. ID/GG/56-A-69/14434-38, dated 14th April, 1969, of the Governor of Haryana, the following dispute between the management of M/s Tempo Engineering Works, Gurgaon and its workman Shri Prehlad Singh was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of service of Shri Prehlad Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference, usual notices were given to the parties and they put in their respective written statements. It is, however, not necessary to go into the merits of the case as the parties have arrived at an amicable settlement. Shri Prehlad Singh, concerned workman, has given up his right of reinstatement or re-employment as he has no intention of working in this concern and the management has paid him the amount found due as per mutual calculations in full and final settlement of his claim.

In view of the above, a no-dispute award is made as desired by the parties. No order as to costs.

Dated 23rd January, 1973.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 234, dated 26th January, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana, Rohtak

S.N. BHANOT,  
Commissioner for Labour and Employment & Secy.

#### LABOUR AND EMPLOYMENT DEPARTMENT

The 25th January, 1973

No. 716-6L-73/3343.—The Governor of Haryana is pleased to promote Shri S. P. Gupta, Statistical Assistant, to the post of Assistant Employment Officer in the scale of Rs 250—25—450/25—550 on a regular basis in a temporary capacity with effect from 7th June, 1972 (forenoon).

No. 12111-7Lab-72/3479.—The Governor of Haryana is pleased to terminate the services of Miss Monica Chaudhry, Assistant Employment Officer (Vocational Guidance), District Employment Exchange, Karnal, with effect from 24th October, 1972 (forenoon), in accordance with the terms of her appointment.

No. 75-7Lab-73/3480.—The Governor of Haryana is pleased to make the following appointment and posting :—

Serial No.	Name of Officer	Appointed and posted as	With effect from	Remarks
1	Shri Ram Singh	Assistant Employment Officer (Vocational Guidance), District Employment Exchange, Hissar	19th December, 1972 (forenoon)	Against an existing vacancy

S. N. BHANOT,  
Commissioner for Labour and Employment and Secy.

#### INDUSTRIES DEPARTMENT

The 1st February, 1973

No. 573-5IB(I)-73/3213.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by the Government, at public expense, for a public purpose, namely, for setting up a factory for the manufacture of steel wires, steel strips, melting scrapes mills and works housing colony etc., at village Zafargarh, tehsil and district Jind, for which notification No. 7442-5IB (I)-72/26620, dated the 18th August, 1972, under section 4 of the Land Acquisition Act, 1894, has been published, it is hereby declared that the land described in the specification below is needed for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

The plan of the land may be inspected in the office of the Land Acquisition Collector [(Sub-Divisional Officer (Civil)) Jind.

### SPECIFICATIONS

District	Tehsil	Locality	Khasra Nos.			Area	
						Bighas	Biswas
Jind	Jind	Zafargarh	1297	1298	1299	9	12
			1300	1301	1296		
			1262	1263		3	12
			1286	1287	1291	9	8
			1292	1293	1294		
			1254	1255	1256	12	8
			1257	1258	1259		
			1260	1261			
			1229	1230	1231	5	3
			1232				
			1302	1303	1304	4	16
			1311	1312	1313		5
			2				
			1314	1315			
				2			
			1324	1325		3	2
			1322	1323		3	2
Total			5	8			

Equal to 36 Acres & 4 Kanaals

S. K. MISRA,  
Commissioner & Secy.

### REVENUE DEPARTMENT

#### CORRIGENDUM

The 5th/6th January, 1973

No. 7621-RIV-72/3537.—In Haryana Government, Revenue Department, Notification No. 3261-R4-72/22802, dated the 19th/22nd June, 1972, published in Haryana Government Gazette, dated 27th June, 1972, at page 1603 of Part I—

(a) in schedule II—

- (i) for "323/10 11—12"  
read 323/10, 11—12",
- (ii) for "503/43" read "503/443",
- (iii) for "202/4" read "292/4".

D. D. SHARMA, Secy.